

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OTHA OWENS, JR.,

Plaintiff,

vs.

E. MICHAEL SLATTERY, Personal
Representative of the Estate of John D. Conder,
and DOHRN TRANSFER COMPANY,
an Illinois corporation,

Defendants.

Case No. _____

**COMPLAINT
AND JURY DEMAND**

COMES NOW the Plaintiff and for his Complaint states:

1. The Plaintiff is a resident of Altona, Iowa.
2. On January 25, 2010, John D. Conder was a resident of Plattsmouth, Nebraska, and was acting within the course and scope of his employment with Dohrn Transfer Company.
3. E. Michael Slattery is a resident of Plattsmouth, Nebraska, and is the duly-appointed personal representative of the Estate of John D. Conder.
4. Dohrn Transfer Company is a corporation duly organized and existing under the laws of the State of Illinois with its principal place of business in Rock Island, Illinois.
5. The United States District Court for the District of Nebraska has subject matter jurisdiction pursuant to 28 U.S.C. §1332 because this is an action between citizens of different states and the actual amount in controversy, exclusive of attorney fees and costs, exceeds \$75,000.
6. On January 25, 2010, John D. Conder was driving a 2005 International tractor with a trailer which were both owned by Dohrn Transfer Company. While driving the tractor-trailer unit in a westerly directly on I-80 in Buffalo County, Nebraska, John D. Conder lost control of the vehicle causing the tractor and trailer to go into the median, jackknife and then come to a stop on I-80 blocking both lanes of westbound travel. There were no lights on the tractor or trailer as it was positioned across I-80 and John D. Conder failed to put any triangles, cones or other warning devises on the westbound lanes of I-80 to warn oncoming traffic of the danger.

7. On January 25, 2010, the Plaintiff was the owner and operator of a 1999 Kenworth tractor and was pulling a Great Dane trailer westbound on I-80 traveling in the right hand lane. The Plaintiff saw the stationary trailer in the right lane of I-80, steered toward the left lane but could not avoid colliding with the tractor.

8. The sole and proximate cause of the accident was the negligence of John D. Conder, said negligence being imputed to Dohrn Transfer Company, in the following ways:

- A. In failing to keep his tractor trailer unit under reasonable and proper control;
- B. In failing to activate the lights on the tractor-trailer unit as it was blocking I-80; and
- C. In failing to put out cones, triangles or other warning devises to warn oncoming traffic of the danger.

9. As a direct and proximate result of the negligence of John D. Conder, the Plaintiff has sustained the following damages:

- A. Physical pain and mental suffering, past and future;
- B. Permanent injury and disability;
- C. Medical expenses, past and future;
- D. Loss of income; and
- E. Loss of earning capacity.

WHEREFORE, the Plaintiff prays for judgment against the Defendants for his special damages, general damages, and the costs of this action.

JURY DEMAND AND TRIAL LOCATION

The Plaintiffs specifically demand trial by jury in Omaha, Nebraska.

Dated: April 19, 2011.

OTHA OWENS, JR., Plaintiff

By: /s/ Gary J. Nedved
Gary J. Nedved (#15508)
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